

Assembly Bill 2486

IHSS BACKGROUND CHECKS

Author – Assembly Member Mark Ridley-Thomas (D – 48)

ISSUE

In-Home Supportive Services (IHSS) is a program that allows several hundred thousand vulnerable Californians who are disabled, age 65 or older, or blind and unable to function safely without assistance, to stay at home rather than be institutionalized. These consumers care about the quality and safety of the service and believe that quality begins with the provider.

In light of heightened awareness of sexual predators, child and elder abusers, and identity theft, prospective providers have taken a proactive approach by submitting to criminal background checks.

Current law requires the public authorities to maintain a referral system for IHSS consumers and investigate the qualifications and background of potential IHSS workers. However, current law fails to specify how the public authorities may comply with this mandate and lacks specific direction to use a widely preferred and the most efficient method of background checking, Live Scan.

This lack of specific authorization to use Live Scan, has been problematic for some public authorities and non-profit consortia to implement a system of background checks.

EXISTING LAW

Under existing law, public authorities or nonprofit consortia must investigate the qualifications and background of potential providers for the local IHSS registry.

THIS BILL

The intent of this bill is to clarify current law to authorize public authorities and non-profit consortia to use the California Department of Justice (DOJ) "Live Scan" criminal background technology.

SUMMARY

This bill:

- Provides greater protection for those vulnerable members of society who are consumers of the IHSS service.
- Authorizes a public authority or non-profit consortium to include criminal background checks conducted by the California Department of Justice.
- Specifies that the potential and current IHSS workers and recipients would not bear the cost of the background checks.

FAQs

What is a background check?

By way of fingerprint, a potential provider is screened by the DOJ "Live Scan System", or a private investigative system, that uses limitations on the information reported.

Why not check all providers of IHSS?

The cost of implementing such a system would render this impossible.

Why put limitations on the background checks?

Many background checks use a wide range of information such as credit score and history that have nothing to do with a

provider's ability to perform the tasks prescribed by the job.

What is the projected cost if implemented?

Because many counties are currently implementing background checks, the state's share of the cost is estimated to be under \$170,000

BACKGROUND

The In-Home Supportive Services program currently employs over 300,000 providers for the purpose of caring for seniors and the disabled who would otherwise not be able to live safely in their own homes. These workers, some of the lowest paid employees in the state, perform duties that include: administering medications, insulin shots, enemas, glucose screenings as instructed by trained medical personnel, assisted bathing, and grooming.

These providers spend up to 180 hours per month assisting the consumer in situations which require a high level of trust, communication, and discretion.

SUPPORT

Service Employees International Union (Sponsor)
United Domestic Workers/AFSCME (Sponsor)
American Federation of State, County and Municipal Employees (AFSCME)
California Alliance for Retired Americans
California State Association of Counties
California Association of Homes and Services for the Aging (CAHSA)
California Council of the Blind
California Foundation for Independent Living Centers (CFILC)
Congress of California Seniors
Gray Panthers California
SEIU Local-434 B

OPPOSITION

None on file.

STATUS

September 5, 2006 – Bill is in enrollment.

FOR MORE INFORMATION

Contact:
Awet P. Kidane
Legislative Assistant
(916) 319-2048